vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.305 OF 1997

M/s.Deccan Merchant Co-op. bank Ltd. ... Petitioner

V/s.

Shri Avdhoot Marutirao Rane & Anr. ... Respondents

Mr.Rajesh Gehani for Petitioner
Mr.Rajesh Datar for Respondent No.1

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **SEPTEMBER 17, 2007**

P.C.:

. This petition has been filed by the Bank contending that no bonus is payable under the Payment of Bonus Act on subsistence allowance. The issue is directly covered by the judgment of a learned Single Judge of this Court (B.N. Srikrishna, J., as he then was) in the case of *Motor Industries Co. Ltd. v/s. Popat Muralidhar Patil & Ors.,* **1997 II LLJ 1206**. It has been held in that case that bonus is not payable on subsistence allowance firstly because the employee does not actually work during that period and secondly because the subsistence allowance cannot be considered as salary or wage. In view of this judgment, the petition succeeds and Rule made absolute accordingly. No costs.